

ALLEGATION (A)

SUMMARY OF INVESTIGATION

C.C.R.B. No. 1204

The complainant alleged that P.O. O'Hagan grabbed him about his head, punched and rammed his head into cell bars and kicked him. § 87(2)(g)

(Encl. # 32, 55, 60 & 70)

Officer O'Hagan not interviewed.

Officer Riordan present when incident occurred. (Encl. # 39)

The complainant stated that after a verbal exchange with P.O. O'Hagan, PO O'Hagan unlocked his, complainant's, cell and entered. The complainant stated that P.O. O'Hagan grabbed him in a "headlock hold" and began punching him about his face about five times. Officer O'Hagan then rammed his, complainant's, head into the cell bars, continually, until his head began to bleed. The complainant stated that his hands were cuffed behind his back. After his head began to bleed, P.O. O'Hagan let go of his head. He then fell to the floor.

(Encl. #2)

The complainant was later removed to § 87(2)(b) where he received five (5) sutures and released.

(Encl. #71)

P.O. Riordan stated that she saw the complainant spit at and kick P.O. O'Hagan. P.O. O'Hagan then reached through the cell bars, grabbed the complainant and pulled him forward, as his head hit the cell bars. She stated that P.O. O'Hagan did not go into the cell with the complainant.

(Encl. # 39)

ANALYSIS/FINDING (Omit Recommendations)

§ 87(2)(g)

§ 87(2)(g)

ALLEGATION (B)

SUMMARY OF INVESTIGATION

C.C.R.B. No. 1204

The complainant alleged taht P.O. McCarthy broke his bicycle pump. § 87(2)(g) [REDACTED]

(Encl. # 70)

Officer McCarthy denied the allegation. § 87(2)(g) [REDACTED]

The complainant stated that when he was arrested he carried a bag, in which was his bicycle pump. While in the Arrest Processing Room, one of the officers broke the pump into two parts. He stated that he does not remember who this officer was.

(Encl. # 2)

A witness, § 87(2)(b) [REDACTED] stated that he saw the officer who arrested him break the complainant's bicycle pump across his, officer's, leg.

(Encl. # 70)

Department records indicate P.O. McCarthy is the officer who arrested the witness.

ANALYSIS/FINDING (Omit Recommendations)

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED] [REDACTED]

The complainant alleged that P.O. O'Hagan called him a black stupid nigger.

§ 87(2)(g)

(Encl. # 60)

P.O. O'Hagan, not interviewed.

P.O. Riordan, Cell Attendant, stated that it was the complainant who was insulting, and swearing at everyone including other prisoners.

(Encl. # 39)

The witness, § 87(2)(b) also a prisoner in the Arrest Processing Room agrees that the complainant was "badmouthing any and every cop" present. He also stated that after he, the complainant, was called a punk black nigger; the complainant called P.O. O'Hagan a punk-ass white motherfucker.

(Encl. # 60)

§ 87(2)(g)

ANALYSIS/FINDING (Omit Recommendations)

§ 87(2)(g)

§ 87(2)(g)

REPORT OF INVESTIGATION OF CIV' N COMPLAINT

Page ____ of ____

ADDITIONAL REMARKS/COMMENTS (If Necessary)

C.C.R.B. No. 1204

This complaint was initiated by D.I. Fitzgerald, Commanding Officer, Midtown PCT. ^{North}

The complainant, § 87(2)(b), was arrested and placed inside an Arrest Processing Room holding cell at the Midtown Precinct North Station House. He was reacuffed inside the cell. There were numerous police officers also present. Among those officers present were P.O. Patricia Riordan, P.O. James McCarthy, and PO Joseph O'Hagan. Officer O'Hagan was off duty, scheduled to work a 1515 X 2350 hour tour of duty. There was a verbal exchange between § 87(2)(b) and at least one of the officers present. Other allegations were also made.

It is alleged that P.O. McCarthy broke his bicycle pump into two parts.

It is also alleged that P.O. O'Hagan called him a black stupid little nigger, and the complainant called him a punkass white motherfucker, and said, "Take these handcuffs off me and I'll beat your ass, I'll fuck you up." A short period of time following this exchange, it's alleged that P.O. O'Hagan entered § 87(2)(b) cell, and while § 87(2)(b) was rearrested, began beating, kicking and ramming his head into the cell bars. The complainant fell to the floor of the cell bleeding from his injuries. Officer O'Hagan exited the cell.

The Desk Officer, Sgt. McKeever was not informed by P.O. Riordan, the Cell Attendant, of this incident. Officer Riordan was present when this incident occurred and while the complainant ~~lay~~ bleeding on the floor of the cell, but she chose not to notify the Desk Officer, or take any action to render aid to the complainant.

The complainant, a bicycle messenger, stated that what initiated his arrest was his going through a traffic light.

The complainant indicated that he went through the traffic light and was later called by a "Traffic Police Officer." He stated, he wanted to pick up a package he was sent to get, so after alighting from his bicycle he ignored the officer's calls. The officer followed him into the building and pulled him out of the building. Outside the building he questioned whether or not his bicycle would

SUMMARY OF FINDINGS AND RECOMMENDATIONS

ALLEGATION	CLASSIFICATION				FINDINGS AND RECOMMENDATIONS
	F	A	D	E	

TOTAL ENCLOSURES

INVESTIGATOR'S SIGNATURE

SUPERVISOR'S SIGNATURE

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REPORT OF INVESTIGATION OF CIVIL COMPLAINT

Page ____ of ____

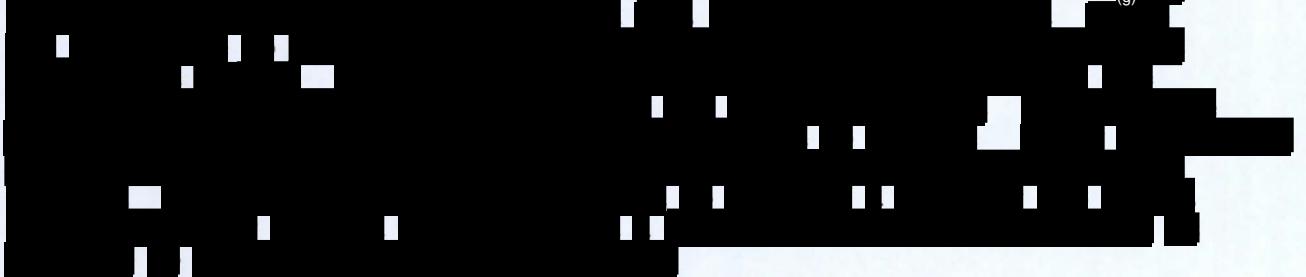
ADDITIONAL REMARKS/COMMENTS (If Necessary)

C.C.R.B. No. 1204

also be taken (the complainant knew he was under arrest). Dissatisfied with the answer, went for his bicycle and took hold of it. The complainant stated that the officer then slammed him against a wall and put the handcuffs on his wrist too tight.

§ 87(2)(g)

The complainant did violate the law. He did not respond to the officer's call. After realizing he was under arrest, he attempted to bring along his bicycle, against the officer's instructions. According to the officer, one of the complainant's wrists had been cuffed, and he resisted the officer's efforts to put the cuff on his other wrist. § 87(2)(g)



In regards to the incident which involved P.O. O'Hagan. Officer O'Hagan was indicted by a New York County Grand Jury, and on October 28, 1988 he surrendered himself to that county's District Attorney's Office where he was arrested and then suspended from duty with The New York City Police Department.

Officer O'Hagan was indicted, charged with § 87(2)(b) relating to the incident and allegations made by the complainant which allegedly took place inside the Midtown Precinct, North Station House.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

ALLEGATION	CLASSIFICATION					FINDINGS AND RECOMMENDATIONS
	F	A	D	E		
A	X					§ 87(2)(g) § 87(2)(g) § 87(2)(g)
B		X				- P.O. O'HAGAN
C			X			- P.O. MCCARTHY - P.O. O'HAGAN
						§ 87(4-b), § 87(2)(g)

TOTAL ENCLOSURES

INVESTIGATOR'S SIGNATURE

SUPERVISOR'S SIGNATURE

100

